

House File 380

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1 3 AN ACT
1 4 PROVIDING FOR THE ADMINISTRATION OF FUNDS FOR ANIMAL
1 5 AGRICULTURE, INCLUDING MONEYS TRANSFERRED FROM AND DEPOSITED
1 6 INTO THESE FUNDS, AND PROVIDING AN EFFECTIVE DATE.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 459.102, subsection 26, Code 2003, is
1 11 amended to read as follows:
1 12 26. "Indemnity fee" means ~~the a~~ fee provided in section
1 13 459.502 or 459.503.
1 14 Sec. 2. Section 459.501, subsection 2, Code 2003, is
1 15 amended to read as follows:
1 16 2. The fund consists of moneys from indemnity fees
1 17 remitted by permittees to the department as provided in
1 18 section 459.502; moneys from indemnity fees remitted by
1 19 persons required to submit manure management plans to the
1 20 department pursuant to section 459.503; sums collected on
1 21 behalf of the fund by the department through legal action or
1 22 settlement; moneys required to be repaid to the department by
1 23 a county pursuant to this subchapter; ~~civil penalties assessed~~
~~1 24 and collected by the department or the attorney general~~
~~1 25 pursuant to chapter 455B, against animal feeding operations;~~
~~1 26 moneys paid as a settlement involving an enforcement action~~
~~1 27 for a civil penalty subject to assessment and collection~~
~~1 28 against permittees by the department or the attorney general~~
~~1 29 pursuant to chapter 455B;~~ interest, property, and securities
1 30 acquired through the use of moneys in the fund; or moneys
1 31 contributed to the fund from other sources.
1 32 Sec. 3. Section 459.501, subsection 5, paragraph a, Code
1 33 2003, is amended by striking the paragraph.
1 34 Sec. 4. NEW SECTION. 459.503A INDEMNITY FEE == WAIVER
1 35 AND REINSTATEMENT.
2 1 The indemnity fee required under sections 459.502 and
2 2 459.503 shall be waived and the fee shall not be assessable or
2 3 owing if at the end of any three-month period, unobligated and
2 4 unencumbered moneys in the manure storage indemnity fund, not
2 5 counting the department's estimate of the cost to the fund for
2 6 pending or unsettled claims, exceed three million dollars.
2 7 The department shall reinstate the indemnity fee under those
2 8 sections if unobligated and unencumbered moneys in the fund,
2 9 not counting the department's estimate of the cost to the fund
2 10 for pending or unsettled claims, are less than two million
2 11 dollars.
2 12 Sec. 5. TRANSFER OF MONEYS FROM THE MANURE STORAGE
2 13 INDEMNITY FUND. Notwithstanding 2002 Iowa Acts, chapter 1137,
2 14 section 59, the department shall not transfer any amount of
2 15 the balance of the manure storage indemnity fund to the animal
2 16 agriculture compliance fund on or after the effective date of
2 17 this Act. The department shall return any amount already
2 18 transferred in accordance with the schedule established by the
2 19 department pursuant to 2002 Iowa Acts, chapter 1137, section
2 20 59.
2 21 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
2 22 immediate importance, takes effect upon enactment.
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2 26 _____
2 27 CHRISTOPHER C. RANTS
2 28 Speaker of the House
2 29
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2 31 _____
2 32 MARY E. KRAMER
2 33 President of the Senate
2 34
2 35 I hereby certify that this bill originated in the House and
3 1 is known as House File 380, Eightieth General Assembly.
3 2
3 3
3 4 _____
3 5 MARGARET THOMSON
Chief Clerk of the House

3 6 Approved _____, 2003
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3 10 THOMAS J. VILSACK
3 11 Governor